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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Sixth Committee (A/53/631)*]

53/102. Report of the International Law Commission on the work of its fiftieth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fiftieth session,[1]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

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[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 10* and corrigendum (A/53/10 and Corr.1).

[2] Resolution 2625 (XXV), annex.

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Noting the holding of a split session of the International Law Commission in 1998,

1. *Takes note* of the report of the International Law Commission on the work of its fiftieth session,[1] and expresses its appreciation to the Commission for the work accomplished at that session, in particular the completion of the first reading of the draft articles on the prevention part of the topic "International liability for injurious consequences arising out of acts not prohibited by international law";

2. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on all the specific issues identified in chapter III of its report, and invites them to submit comments and observations in writing by 1 January 2000 on the draft articles on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities);

3. *Recommends* that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. *Welcomes* the valuable work done by the International Law Commission on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", and requests the Commission, while continuing its work on prevention, to examine other issues arising out of the topic, taking into account comments made by Governments, either in writing or in the Sixth Committee, and to submit its recommendations on the future work to be done on these issues to the Sixth Committee;

5. *Invites* Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its future work on the topic "Diplomatic protection";

6. *Takes note* of the consideration by the International Law Commission of its long-term programme of work,[3] and encourages the Commission to proceed with the selection of new topics for its next quinquennium;

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[3] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 10* and corrigendum (A/53/10 and Corr.1), chap. X, sect. C.

7. *Welcomes with appreciation* the steps taken by the International Law Commission in relation to its internal matters, as contained in paragraphs 543 and 544 of its report, and encourages it to continue enhancing its efficiency and productivity, taking into consideration the discussion held by the General Assembly at its fifty-third session;

8. *Endorses* the decision by the International Law Commission on the duration of its session in 1999, as presented in paragraph 562 of its report;

9. *Takes note* of paragraphs 562 and 563 of the report of the International Law Commission regarding the holding of split sessions as of 2000, requests the Commission to examine the advantages and disadvantages of such split sessions, and decides to return to this matter at its fifty-fourth session;

10. *Stresses* the desirability of enhancing dialogue between the International Law Commission and the Sixth Committee, and in this context requests the Commission to submit any recommendations to that effect;

11. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

12. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation, and invites the Commission to provide the Sixth Committee with updated information in this regard at the fifty-fourth session of the General Assembly;

13. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

14. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

15. *Takes note* of the inclusion of information about the work of the International Law Commission in its Web site;[4]

16. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

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[4] The Internet address is as follows: http://www.un.org/law/ilc/index.htm.

17. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-third session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. *Notes with satisfaction* the fiftieth anniversary of the International Law Commission, which was fittingly commemorated by a seminar held at Geneva on 21 and 22 April 1998 and by other events;

19. *Recommends* that the debate on the report of the International Law Commission at the fifty-fourth session of the General Assembly commence on 25 October 1999.

83rd plenary meeting
8 December 1998